

**U. S. DEPARTMENT OF THE INTERIOR
EXXON VALDEZ OIL SPILL PUBLIC ADVISORY COMMITTEE**

CHARTER

1. **OFFICIAL DESIGNATION:** *Exxon Valdez* Oil Spill Public Advisory Committee (Committee).
2. **AUTHORITY:** The Committee is established as mandated by Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America, through the Department of Justice, and the State of Alaska, through the Attorney General, on August 27, 1991 and approved by the United States District Court for the District of Alaska in settlement of United States of America v. State of Alaska, Civil Action No. A91-081 CV (hereinafter referred to as the MOA) and shall be located in Alaska. Additional authority for its creation is found in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. subsection 9601 et seq. This Committee is established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. 2.
3. **OBJECTIVES AND SCOPE OF ACTIVITIES:** By order of the District Court for the District of Alaska, the Committee is to advise the Trustees (State of Alaska Department of Law, State of Alaska Department of Fish and Game, State of Alaska Department of Environmental Conservation, U.S. Department of Agriculture, the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce, and the U.S. Department of the Interior) appointed to administer the fund established in settlement of United States v. Exxon Corporation, Civil Action No. A91-082, and State of Alaska v. Exxon Corporation, Civil Action No. A91-083, both in the United States District Court for the District of Alaska, in all matters described in Paragraph V.A.1 of the MOA referenced above.
4. **DESCRIPTION OF DUTIES:** The Committee functions are advisory only, and its officers shall have no administrative authority by virtue of their membership. The Committee shall advise the Trustees through the Trustee Council with respect to the following matters:

All decisions relating to injury assessment, restoration activities, or other use of natural resource damage recoveries obtained by the Governments, including all decisions regarding:

 - a. Planning, evaluation, and allocation of available funds;
 - b. Planning, evaluation, and conduct of injury assessments and restoration activities;
 - c. Planning, evaluation, and conduct of long-term monitoring and research activities;
 - d. Coordination of a, b, and c.
5. **AGENCY OR OFFICIAL TO WHOM THE COMMITTEE REPORTS:** The Committee shall report to the *Exxon Valdez* Settlement Trustee Council through the Federal members of the Trustee Council.

6. **SUPPORT:** Support for the Committee shall be provided by the Trustee Council's Executive Director, who shall procure all needed space, supplies, equipment, and support for the Committee. The Executive Director shall prepare an annual budget for the Committee. The budget shall provide for the Committee such funds as the Trustee Council deems appropriate for administrative support for the Committee, from the *Exxon Valdez* Oil Spill Investment Fund established as a result of the settlement of United States v. Exxon Corporation and State of Alaska v. Exxon Corporation.
7. **ESTIMATED ANNUAL OPERATING COSTS:** The estimated annual operating cost for the Committee is \$35,000, including all direct and indirect expenses. It is estimated that .4 staff years will be required to support the Committee.
8. **DESIGNATED FEDERAL OFFICER:** The Designated Federal Officer (DFO) is the U.S. Department of the Interior, Alaska Office of Environmental Policy and Compliance's Regional Environmental Assistant who is a full time Federal employee appointed in accordance with agency procedures. The DFO will approve or call all Committee and subcommittees' meetings, prepare and approve all meeting agendas, attend all Committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the Trustee Council.
9. **ESTIMATED NUMBER AND FREQUENCY OF MEETINGS:** The Committee is expected to meet approximately two times per year.
10. **DURATION:** The requirement for the Committee will continue throughout the life of the settlement agreement referenced in item 2, above.
11. **TERMINATION DATE:** The Committee is subject to the provisions of FACA and is subject to biennial review and will terminate two years from the date the charter is filed, unless, prior to that time, the charter is renewed in accordance with Section 14 of FACA.
12. **MEMBERSHIP AND DESIGNATION:** The Committee shall consist of 10 representative members, including a Chair and Vice-Chair selected by the Committee members. Each member will serve a two-year term and members are eligible for re-nomination and reappointment. One member will be appointed representing each of the interests identified below.
 - a. aquaculturist/mariculturist (e.g., fish hatcheries and oyster/shellfish farming);
 - b. commercial fisher (e.g., commercial fishing for salmon, halibut, herring, shellfish and bottom fish; including boat captains and crews, cannery owners/operators, and fish buyers);
 - c. commercial tourism business person (e.g., promoting or providing commercial travel or recreational opportunities, including charter boating, guiding services, visitor associations, boat/kayak rental);
 - d. recreation user (e.g., recreation activities that occur within the area, including kayaking, power boating, sailing, sightseeing)
 - e. conservationist/environmentalist (e.g., organizations interested in the wise use and protection of natural resources);
 - f. Native landowner (e.g., regional or village corporations in the affected area established by the Alaska Native Claims Settlement Act);
 - g. sport hunter/fisher (e.g., hunting and/or fishing for pleasure);

- h. subsistence user (e.g., customary and traditional use of wild renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools or transportation; for the making and selling of handicraft articles; and for customary trade);
- i. scientist/technologist (e.g., organizations, institutions, and individuals involved in, or with expertise in, scientific and research aspects of the affected area/resources and/or the effects of the oil spill and/or the technical application of scientific information); and
- j. public-at-large (e.g., representing the affected area of the oil spill and its people, resources, and/or economics).

Members of the Committee serve without compensation. However, while away from their homes or regular places of business, members engaged in Committee business approved by the Trustee Council Executive Director or the DFO will be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service.

- 13. **ETHICS RESPONSIBILITIES OF MEMBERS:** No Committee or subcommittee member shall participate in any specific party matter including a lease, license, permit, contract, claim, agreement, or related litigation with the Department in which the member has a direct financial interest.
- 14. **SUBCOMMITTEES:** The Committee may, upon approval of the Trustee Council and the DFO, establish such workgroups or subcommittees as it deems necessary for the purpose of compiling information or conducting research. However, such work groups or subcommittees may not conduct business and must report to the full Committee.
- 15. **RECORDKEEPING:** Records of the Committee, and any workgroups or subcommittees established, will be handled as part of the Trustee Council's Official Record, available at their office. A public copy of those records is available at the Alaska Resources Library and Information Services. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.


Secretary of the Interior

OCT 01 2010

Date

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Date Filed